

2015



LEGISLATIVE



REPORT



April 29, 2015

Thank you for your help in promoting the interests of local government during the 2015 session of the General Assembly. It was a good session for local governments, thanks to the telephone calls, e-mails and personal visits made by so many of you!

VML is pleased to present its *2015 Legislative Report* on legislation affecting local governments. The bills and resolutions are presented by subject area. Bill summaries are taken from those prepared by the Virginia Division of Legislative Services. League staff members have revised the summaries as needed to reflect local government interests. The bill numbers are hyperlinked to Legislative Information System's website. VML's staff summary of the Appropriation Act is posted at <http://bit.ly/1FGliFG>.

A complete listing of all bills and resolutions that were introduced in the 2015 session are summarized in DLS's *2015 Session Summary* report, posted at <http://1.usa.gov/1bqqeWX>.

The General Assembly rejected some or all amendments proposed by Gov. Terry McAuliffe to a number of bills. These bills of interest to local governments have been returned to the governor, who may sign without the amendments, not sign (in which case they become law), or veto them:

- **HB 1296 / SB 1066** Elected offices; November or May general election.
- **HB 1570 / SB 1168** Child day centers, family day homes; regulations, national background check required.
- **HB 1673 / SB 965** Government Data Collection and Dissemination Practices Act; limitation on collection.
- **HB 1835 / SB 1371** Virginia Public Procurement Act (VPPA); methods of procurement.
- **HB 1842** Performance and incentive grants; review of incentive packages, repeals certain provisions.
- **HB 2070 / SB 1424** State and Local Government Conflict of Interests Act, General Assembly Conflicts of Interests Act.
- **HB 2125 / SB 1301** **Use of unmanned aircraft systems; search warrant required.**
- **HB 2206 / SB 1195** Conservators of the peace, special; application for appointment.
- **SB 721** Seizure of property; receipt required.
- **SB 1301** Unmanned aircraft systems; use by public bodies during execution of a search warrant, exception.

Governor McAuliffe also vetoed 17 bills, including these bills of interest to local governments:

- **HB 1318** Absentee ballots; photo identification required for submission of application.
- **HB 1473** General registrars; appointment from adjoining locality.
- **HB 1608** Local government; prohibits practices that would require contractors to provide benefits.
- **HB 1626** Students receiving home instruction; participation in public school interscholastic programs.
- **HB 1752/SB 724** Bd. of Education prohibited from adopting revisions that implement Common Core.
- **HB 2009** Firearms, certain; law-enforcement certification.
- **SB 1137** Loaded rifle or shotgun; regulation of transportation.

Legislation is effective July 1, 2015 with two exceptions. First, emergency legislation is effective upon signature by the governor. Second, some bills, or even parts of bills, have delayed effective dates. The summaries show effective dates in these cases.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly A. Winn".

Kimberly A. Winn  
Executive Director

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## Community & Economic Development

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### **HB 1446 / SB 801 Clean energy; financing programs, development of underwriting guidelines.**

Expands the requirements of a local ordinance authorizing contracts to provide loans for clean energy improvements. The bill adds water efficiency improvements to the list of improvements for which loans may be offered; allows a locality to contract with a third party to administer the loan program; and requires a locality to identify any administrative fee it intends to impose on participants and sets parameters for the imposition of that fee. The bill also details the priority, enforceability, and other characteristics of the lien, now called a voluntary special assessment lien, that a locality is permitted to place against the property where the clean energy systems are installed. Finally, the bill directs the Department of Mines, Minerals and Energy (DMME) to develop underwriting guidelines for local loans made to finance clean energy improvements. The bill requires DMME to finalize the guidelines by December 1, 2015, incorporating input from certain groups representing real estate, energy efficiency, banking, and other interests or industries and evaluating certain specific criteria. This bill is a recommendation of the Virginia Housing Commission.

### **HB 1756 Tourism zones; tax revenues for tourism projects.**

Decreases from 80 percent to 70 percent the share of the total cost of a tourism project that the project must have in place before being eligible to receive a percentage of the state and local sales and use tax revenues generated on the premises of the project, to be used toward debt service to bridge the gap between available debt and equity capital and the expected costs of the project.

### **HB 1842 Performance and incentive grants; review of incentive packages, report, repeals certain provisions.**

Provides (i) that no more than \$20 million in Virginia Investment Performance Grants may be outstanding at any time on or after July 1, 2015, (ii) that grant payments under the Major Eligible Employer Grant Program will begin three years following approval of the employer's grant application by the Secretary of Commerce and Trade, and (iii) for the MEI Project Approval Commission to review incentive packages in which the aggregate amount of incentives offered by the Commonwealth is in excess of \$10 million in value. Under current law, grant payments under the Major Eligible Employer Grant Program begin six years following approval by the Secretary of Commerce and Trade. The bill also repeals the Clean Energy Manufacturing Incentive Grant Program effective July 1, 2015, and the Commonwealth's semiconductor performance grant programs effective July 1, 2016. *Governor's amendments partially rejected.*

### **HB 1898 Pulp, Paper, and Fertilizer Advanced Manufacturing Performance Grant Program; created.**

Creates the Pulp, Paper, and Fertilizer Advanced Manufacturing Performance Grant Program, which would provide grants to any pulp, paper, and fertilizer manufacturer that invests at least \$2 billion in real or personal property and creates at least 2,000 new full-time jobs pursuant to a memorandum of understanding with the Commonwealth. The total amount of grants paid under the program would not exceed \$20 million. Grants would be paid when the qualifying manufacturer attains capital investment and job creation requirements included in the memorandum of understanding. Grants would be paid from the Pulp, Paper, and Fertilizer Advanced Manufacturing Performance Grant Program Fund.

### **HB 1986 / SB 1372 Workforce Development, Virginia Board of; changes to Board requirements.**

Makes several changes to the Virginia Board of Workforce Development (the Board). Beginning November 1, 2016, and annually thereafter, each agency administering any publicly funded career and technical education and workforce development program shall submit to the Governor and the Board a report detailing the program's performance against state-level metrics. Each local workforce development board shall develop and execute a strategic plan designed to combine public and private resources to support sector strategies, career pathways, and career readiness skills development. This bill also sets the minimum level of fiscal support from WIOA Adult and Dislocated Worker funds and provides incentives. On October 1, 2017, the Executive Director of the Board shall provide members of the Board with a detailed report evaluating the rate of the expenditures for incentives by local workforce development boards from July 1, 2015, to July 1, 2017.



**HB 2193 Virginia Battlefield Preservation Fund; use of grant funds for battlefield preservation.**

Expands the types of battlefields eligible to receive grants from the Virginia Battlefield Preservation Fund, previously known as the Civil War Site Preservation Fund. Currently, moneys in the fund can only be used for making grants to private nonprofit organizations for the fee simple purchase of, or purchase of protective interests in, Civil War historic sites. The bill allows the awarding of grants to protect Revolutionary War and War of 1812 historic battlefields.

**HB 2330 / SB 1440 Tobacco Region Revitalization Commission; created, financial viability & feasibility.**

Renames the Tobacco Indemnification and Community Revitalization Commission as the Tobacco Region Revitalization Commission and requires it to contract with a manager to oversee Commission loans, grants, and other distributions of money. The bill requires the manager to provide a written report on the financial viability and feasibility of any such distribution and prohibits the Commission from making the distribution until its viability and feasibility have received recommendations from the manager. The bill eliminates future appointments of three nonlegislative citizen members and requires 13 of the remaining 28 Commission members to have experience in particular fields. The bill requires the Commission to adopt policies governing the Tobacco Region Opportunity Fund; to require a dollar-for-dollar match from entities receiving grants; to make no distribution to a tobacco-dependent community solely based on the historical production of tobacco; to require each project to have an accountability matrix, provide a set of quantified outcome expectations and other figures, and demonstrate how it will address low employment levels or other indicators; to develop a strategic plan every two years; and to establish a public database of awards. The bill also establishes the Virginia Tobacco Region Revolving Fund, the assets of which are to be used to make loans to local governments for the financing of any project. The bill empowers the Virginia Resources Authority to administer the Fund, pledge assets of the Fund as security for bonds issued to finance a project, sell or collect on loans made from the Fund, and, in accordance with a memorandum of agreement with the Commission, establish the rates and terms of loans. The bill directs the Commission, in conjunction with VRA, to make an annual report to the General Assembly and the Governor on all loans made from the Fund.

**SB 809 Virginia Economic Development Authority; may develop a site and building assessment program.**

Authorizes the Virginia Economic Development Partnership Authority to develop a site and building assessment program to assess the state's industrial sites consisting of at least 250 acres.

**SB 1002 Local workforce investment boards; pay-for-performance contract strategy incentives.**

Encourages local workforce investment boards to implement pay-for-performance contract strategy incentives for training services as an alternative model to traditional programs. The bill also authorizes local workforce investment boards to allocate funds to the extent permissible.

**SB 1007 Port of Virginia Economic & Infrastructure Development Grant Fund & Program; grants.**

Allows a qualified company to receive a second grant from the Port of Virginia Economic and Infrastructure Development Grant Fund if the company locates or expands an additional facility within Virginia, creates at least 300 new permanent full-time positions at the additional facility, and increases cargo volumes through the Port of Virginia by at least five percent.

**SB 1401 Tourism project of regional significance; entitlement to tax revenues.**

Entitles a tourism project of regional significance to the revenues generated by a 1.5 percent state sales and use tax on transactions taking place on its premises, to be used for debt service on gap financing for the project. To qualify for the revenues, the project must meet a deficiency identified in a local tourism plan approved by the Virginia Tourism Authority. The private developer and the locality in which the project is located must each contribute funds equal to the 1.5 percent sales and use tax contribution, which are also to be used for the gap financing payment. Current law allows certain tourism projects to qualify for revenues generated by a one percent state sales and use tax. The bill provides that a project would be eligible for the increased revenues if it involves a new private, capital investment of at least \$100 million and supports increased hotel occupancy, job creation, and out-of-state visitors.

**SB 1448 Community development authorities; tax levied or assessment imposed by locality.**

Provides that any special tax levied or any special assessment imposed by a locality pursuant to an agreement with a community development authority, whether previously or hereafter levied or imposed, constitutes a lien on real estate ranking on parity with real estate taxes, and any such delinquent special tax or delinquent special assessment may be collected in accordance with established procedures. EMERGENCY

**SJ 242 High-growth companies; VEDP Authority and DHCD to study program supporting.**

Requests the Virginia Economic Development Partnership Authority and the Department of Housing and Community Development to jointly study the feasibility of incorporating programs to support existing high-growth companies into the state's current economic development programs and activities. Existing high-growth companies are privately held enterprises with high potential for growth that (i) employ fewer than 100 employees, (ii) generate annual revenues of \$50 million or less, and (iii) have moved beyond the startup phase of business development to become established businesses within the local and regional community. This bill is a recommendation of the Small Business Commission.

**SJ 274 Virginia's manufacturing sector; JLARC to update 2006 study.**

Directs JLARC to update its 2006 study of the impact of regulations on Virginia's manufacturing sector.

## Education

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**HB 324 Virginia Virtual School; established, report, effective date.**

Establishes the Board of the Virginia Virtual School as a policy agency in the executive branch of state government for the purpose of governing the full-time virtual school programs offered to students enrolled in the Virginia Virtual School. The Secretary of Education is responsible for such agency. The 13-member Board is given operational control of the School and assigned powers and duties. The bill requires the School to be open to any school-age person in the Commonwealth and provide an educational program meeting the Standards of Quality for grades kindergarten through 12. The bill requires the average state share of Standards of Quality per pupil funding for each enrolled student to be transferred to the School. The bill has a delayed effective date of July 1, 2016 and will only become effective if reenacted by the 2016 Session of the General Assembly.

**HB 1484 / SB 842 Schools; approval of annual budgets.**

Conforms the county budget preparation and approval process to that of municipalities.

**HB 1490 / SB 874 Standards of Learning; eligibility for retake of test, exception.**

Directs the Board of Education to promulgate regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning test, with the exception of the writing Standards of Learning tests, to each student regardless of grade level or course.

**HB 1672 / SB 727 School Performance Report Card; redesign to be more effective in communicating to parents & public.**

Requires the Board of Education, in consultation with the Standards of Learning Innovation Committee and no later than July 1, 2016, to redesign the School Performance Report Card so that it is more effective in communicating the status and achievements of public schools and local school divisions. The bill requires the Board to provide notice and solicit public comment and summarize the redesigned Report Card in advance of July 1, 2016. The bill also repeals the A-F school grading system created in the 2013 Session and amended in the 2014 Session.

**HB 1674 School accreditation; review of status by Board of Education.**

Provides that the Board of Education may review the accreditation status of a public school once every three years if the school has been fully accredited for three consecutive years. At the end of the three year period, the Board shall review the accreditation status of the school and may accredit the school for another three years if the school met

accreditation requirements for all three years. The bill requires the Board to review the accreditation status of any school that (i) would have failed to achieve full accreditation in one of the year of the three-year period or (ii) any school that has had a significant boundary adjustment. The bill requires Standards of Learning assessments scores to continue to be reported on the School Performance Report Card annually, regardless of accreditation frequency.

**HB 1873 / SB 1320 Public schools; Board of Education to promulgate regulations for accreditation ratings.**

Directs the Board of Education to promulgate regulations establishing additional accreditation ratings that recognize the progress of schools that do not meet accreditation benchmarks but have significantly improved their pass rates, are within specified ranges of benchmarks, or have demonstrated significant growth for the majority of their students and to implement such regulations by the 2016-2017 school year.

**SB 821 Opportunity Educational Institution; repeals Institution.**

Abolishes the Opportunity Educational Institution, created in the 2013 session.

**SJ 218 Teachers; Department of Education to study implementing program to track turnover.**

Requests the Department of Education to study the feasibility of implementing a program in the Commonwealth to track teacher turnover by developing exit questionnaires and other means.

**SJ 256 Constitutional amendment (first resolution); charter schools.**

Grants the Board of Education authority, subject to criteria and conditions prescribed by the General Assembly, to establish charter schools within the school divisions of the Commonwealth.

## Elections

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**HB 1296 / SB 1066 Elected offices; November or May general election.**

Prohibits a special election to fill a vacancy in an office from being held on the same day as the general election at which that office is regularly scheduled to be filled. The bill further prohibits an election to fill a vacancy in the representation of the Commonwealth in the United States Congress from being ordered or held if the general or special election at which it is to be called is scheduled within 75 days of the end of the term of the office to be filled. The bill provides that the term of office of any person who is elected at a general election to an office that is vacant at the time of the election shall begin when the person so elected has qualified and taken the oath of office.  
*Governor's amendments rejected.*

**HB 1433 /SB 1092 General registrars; reassigning duties of the electoral board.**

Reassigns duties of the electoral board related to absentee voting and campaign finance to the general registrars.  
EMERGENCY

**HB 2062 Elections administration; pre-election and post-election activities.**

Makes technical amendments that reflect the administrative reorganization of the Department of Elections that took effect July 1, 2014. The bill also requires that a precinct having more than 4,000 registered voters be provided with no less than two ballot scanner machines at a presidential election, but provides an exception for localities that determine that a second scanner is not necessary at a particular precinct on the basis of voter turnout and the average voter wait time in previous presidential elections.

**SB 1062 Presidential elections; number of officers of election and ballot scanner machines.**

Requires any precinct having more than 4,000 registered voters to have not less than five officers of election serving at a presidential election and requires the electoral board to appoint additional officers as may be needed to comply with this requirement. The bill also requires the governing body of a county or city that uses ballot scanner machines at elections to provide for any precinct having more than 4,000 registered voters not less than two such machines at a presidential election, but provides an exception for localities that determine a second scanner is not necessary at a

particular precinct on the basis of voter turnout and the average wait time for voters in previous presidential elections. Current law requires not less than three officers of election at each precinct and at least one ballot scanner machine at each precinct that uses such machines.

**SB 1089 Constitutional office; filling a vacancy.**

Clarifies that the highest ranking deputy officer or, in the case of the office of attorney for the Commonwealth, the highest ranking full-time assistant attorney for the Commonwealth shall step in to fill a vacancy in a constitutional office until a special election to fill such a vacancy has been held, regardless of a county or city charter's alternative method for filling such a vacancy.

## **Environment & Natural Resources**

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**HB 1734 Living shorelines; loans for creation.**

Authorizes the State Water Control Board to provide loans from the Virginia Water Facilities Revolving Fund to (i) a local government for the purpose of establishing living shorelines that protect or improve water quality and prevent water pollution or (ii) a local government that has developed a funding program to provide low-interest loans or other incentives to individuals to assist in establishing living shorelines.

**HB 1924 / SB 1341 Eastern Virginia Groundwater Management Advisory Committee; established, report.**

Establishes the Eastern Virginia Groundwater Management Advisory Committee to assist the Department of Environmental Quality in developing, revising, and implementing a management strategy for ground water in the Eastern Virginia Groundwater Management Area. The bill prohibits the State Water Control Board and the DEQ from issuing draft permits that would require reductions in the volume of permitted ground water withdrawals before December 31, 2015. The bill has a sunset date of January 1, 2018.

**HB 1950 / SB 1395 Electric utilities; net energy metering programs.**

Increases, from 500 kilowatts to one megawatt, the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer that may be eligible for participation in the utility's net energy metering program. In addition, the capacity of any generating facility installed under this section after July 1, 2015, shall not exceed the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available. The measure also (i) requires any eligible customer-generator seeking to participate in net energy metering to notify its supplier and receive approval to interconnect prior to installation of an electrical generating facility and (ii) clarifies requirements regarding the customer-generator's obligation to bear the costs of equipment required for the interconnection to the supplier's electric distribution system. The change to the definition of an eligible customer-generator affects the definition of a qualified energy project as used in the Virginia Small Business Financing Act.

**HB 2067 Daylighted streams; not required to become Resource Protection Area.**

Provides that the State Water Control Board (SWCB), when developing the criteria for a Resource Protection Area (RPA) under the Chesapeake Bay Preservation Act, shall not require that a daylighted stream become an RPA. The bill requires any locality that does not designate an RPA adjacent to a daylighted stream to use a water quality impact assessment to ensure that development adjacent to the stream does not result in the degradation of the stream. The locality's assessment must (i) be consistent with the SWCB's criteria for water quality impact assessments in RPAs, (ii) identify the impacts of proposed development on water quality, and (iii) determine measures to mitigate adverse impacts. The bill defines a daylighted stream as a stream that has been previously diverted into a culvert, pipe, or other underground drainage system and is redirected into an aboveground channel using natural channel design concepts. The bill does not limit a locality's authority to include such a stream within an RPA.



**SB 1047 Stormwater utility fees; municipal separate storm sewer permits.**

Provides that where two adjoining localities each hold a permit to discharge stormwater from a municipal separate storm sewer system (MS4), a waiver of charges to a public entity for property that is covered by an MS4 permit shall also apply to covered property of a school board of one locality that is located in the other locality.

**SB 1201 Stormwater; procedure for approval of dredging operations in the Chesapeake Bay Watershed.**

Directs the State Water Control Board to establish a procedure for the approval of dredging operations in the Chesapeake Bay watershed as a method by which to meet pollutant reduction and loading requirements. The bill provides that before the Board is required to establish the procedure, the Chesapeake Bay Program shall first approve the procedure as a creditable practice for pollutant removal. The bill requires that any dredging comply with all applicable laws. The bill also provides that any locality imposing certain stormwater fees may make funds available for stormwater maintenance dredging, including at the point of discharge, where stormwater has contributed to the deposition of sediment in state waters.

**SB 1443 Comprehensive plan; strategies to combat projected sea-level rise.**

Provides that any locality included in the Hampton Roads Planning District Commission shall incorporate into the next scheduled and all subsequent reviews of its comprehensive plan strategies to combat projected relative sea-level rise and recurrent flooding. The bill requires such review to be coordinated with the other localities in the Hampton Roads Planning District Commission. The bill requires the Department of Conservation and Recreation, the Department of Emergency Management, the Marine Resources Commission, Old Dominion University, and the Virginia Institute of Marine Science to provide technical assistance to any such locality upon request.

**HJ 587 Stormwater regulations; impact on high water table area, report.**

Requests the Department of Environmental Quality to conduct a two-year study of the application of the post-development stormwater management technical criteria, as established in the Virginia Stormwater Management Regulations, in areas with a seasonal high groundwater table.

**HJ 623 / SJ 272 Water resource and planning management; JLARC to study Virginia's resources.**

Directs the Joint Legislative Audit and Review Commission to study Virginia's water resource planning and management, particularly with regard to groundwater. This study is a recommendation of the Joint Subcommittee to Formulate Recommendations to Address Recurrent Flooding.

**SJ 273 Clean Power Plan; DEQ to compare projected health benefits with those of existing regulations.**

Directs the Department of Environmental Quality to study whether the projected health benefits of the proposed federal Clean Power Plan, cited by the Environmental Protection Agency (EPA) as a benefit of the Plan, are already expected to result from the ongoing enforcement and revision of existing air quality regulations. The provisions of the resolution are contingent on funding in a 2015 general appropriation act.

## **FOIA/COIA/Campaign Finance/Public Records**

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**HB 1618 / SB 1126 Virginia Freedom of Information Act; resource management plans, closed meetings.**

Creates an open meeting exemption for those meetings or portions of meetings of a Resource Management Plan Technical Review Committee, a Soil and Water Conservation District Board, a review committee of the Department of Conservation and Recreation, or the Virginia Soil and Water Conservation Board when such body discusses or considers records currently excluded from FOIA. The bill provides that this exemption shall not apply, however, to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

**HB 1633 / SB 968 Virginia Freedom of Information Act; record exemption for certain health records.**

Clarifies that records of certain health care committees and entities, to the extent that they reveal information that may be withheld from discovery as privileged communications, are exempt from disclosure under FOIA.

**HB 2070 / SB 1424 State and Local Government Conflict of Interests Act, General Assembly Conflicts of Interests Act.**

Prohibits any state or local officer or employee, member of the General Assembly from soliciting, accepting, or receiving a single gift with a value exceeding \$100 from certain persons; however, such prohibition does not apply to gifts from personal friends. The bill also prohibits the immediate family of such officers, employees, members, or candidates from soliciting, accepting, or receiving such gifts. The bill provides an exception for gifts received at widely attended events, which are those events at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event. The bill requires disclosure of any single gift or entertainment, or any combination of gifts or entertainment, with a value exceeding \$50. The bill also requires persons subject to the Conflict of Interest Acts to request approval from the Virginia Conflict of Interest and Ethics Advisory Council (the Council) and receive the approval of the Council prior to accepting or receiving any travel-related transportation, lodging, meal, hospitality, or other thing of value provided by certain third parties that has a value exceeding \$100. That does not apply to travel on behalf of a locality or government agency while carrying out business for the locality or agency. The Council is reduced from 15 to 9 with a bipartisan balance of the General Assembly members appointed to the Council. The bill provides that local officers and employees will file disclosure forms locally instead of with the Council. The bill provides that the making of a knowing and intentional false statement on a disclosure form is punishable as a Class 5 felony. The bill has a delayed effective date of January 1, 2016, except the Council begins July 1, 2015. *Governor's amendments rejected in part.*

**SB 876 Conflict of Interests Act, State and Local Government; prohibited contracts by hospital authorities.**

Clarifies that officers and employees of hospital authorities are included under the prohibited contract provisions for local officers and employees under the State and Local Government Conflict of Interests Act. The bill also lists exclusions from the general contract prohibitions that are specific to officers and employees of hospital authorities.

**SB 969 Virginia Freedom of Information Act; exception to open meeting requirements.**

Clarifies that the gathering or attendance of two or more members of a public body (i) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (ii) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, is not a meeting under FOIA.

**SB 1109 Virginia Freedom of Information Act; expands open meeting exemptions.**

Expands the open meeting exemption for the discussion of plans to protect public safety as it relates to terrorism and security of governmental facilities to include the discussion of specific cybersecurity threats or vulnerabilities, including the discussion of related records excluded from FOIA, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program. EMERGENCY

**SB 1129 FOIA; expands record exemption for public safety, cybersecurity.**

Expands the current record exemption for plans and information to prevent or respond to terrorism to include information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities or security plans and measures of an entity, facility, building structure, information technology system, or software program. EMERGENCY

### **SB 1133 State and local government officers and employees; prohibited conduct, retaliation.**

Prohibits a state or local government officer or employee from using his public position to retaliate or threaten retaliation against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law. The bill provides, however, that the prohibition does not (i) restrict the authority of any public employer to govern conduct of its employees, and to take disciplinary action, in accordance with applicable law or (ii) limit the authority of a constitutional officer to discipline or discharge an employee with or without cause.

## **Health & Human Services**

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### **HB 1558 Adult fatality review teams, local and regional; created, penalty.**

Allows for the creation of local or regional adult fatality review teams upon the initiative of any local or regional law-enforcement agency, department of social services, emergency medical services agency, attorney for the Commonwealth's office, or community services board. The bill provides that such teams may review the death of any person age 60 years or older, or any adult age 18 years or older who is incapacitated, who resides in the Commonwealth and who is in need of temporary or emergency protective services (i) who was the subject of an adult protective services or law-enforcement investigation; (ii) whose death was due to abuse, neglect, or exploitation or acts suggesting abuse, neglect, or exploitation; or (iii) whose death came under the jurisdiction of or was investigated by the Office of the Chief Medical Examiner as occurring in any suspicious, unusual, or unnatural manner. A violation of the confidentiality of the review process is punishable as a Class 3 misdemeanor.

### **HB 1570 / SB 1168 Child day centers and family day homes; regulations, national background check required, report.**

Requires fingerprint-based national criminal history records checks for licensed child day centers and family day homes and requires employees and volunteers of such child day centers and family day homes to notify the provider if they are convicted of a barrier crime or subject to a founded complaint of child abuse or neglect. The bill adds the offenses that require registration in the Sex Offender and Crimes Against Minors Registry to the list of barrier crimes specific to family day homes. The bill lowers from five to four the maximum number of children for whom a family day home may provide care without a license, exclusive of the provider's children and any children who reside in the home. The bill requires (i) local commissioners of the revenue or other local business license officials to report to the Department of Social Services (the Department) semiannually the contact information for any child day center or family day home to which a business license was issued; (ii) unlicensed and unregistered family day homes, other than those in which all of the children receiving care are related to the provider by blood or marriage, to provide written notice to parents stating that the family day home is not regulated by the Department and referring the parents to a website maintained by the Department for additional information; and (iii) child day centers and family day homes that contract with the Department to provide child care services that are funded by the Child Care and Development Block Grant to comply with all requirements established by federal law and regulation. The bill also requires the Department to (a) develop recommendations related to appropriate criminal and civil penalties for individuals who wrongfully operate a child day center or family day home without a license or provide care for more children than the maximum number permitted under their license; (b) report on the requirements established in the Child Care and Development Block Grant to the Senate Committee on Rehabilitation and Social Services and the House Committee on Health, Welfare and Institutions by December 1, 2015; (c) develop and make available to child day centers and family day homes training and technical information and assistance regarding compliance with new licensure requirements established in the bill; and (d) work with certain localities authorized to regulate and license family day homes to identify and address any differences between ordinances adopted by such localities and state regulations for the licensure of family day homes. The provisions of the bill that require licensure of family day homes providing care for five or more children have a delayed effective date of July 1, 2016. The provisions of the bill that require fingerprint-based national criminal history records checks have a delayed effective date of July 1, 2017. *Governor's amendments rejected.*

### **HB 1693 / SB 1263 Civil admission process; alternative transportation.**

Provides that a magistrate may authorize alternative transportation for a person subject to an emergency custody order or temporary detention order when there exists a substantial likelihood that the person will cause serious

physical harm to himself or others. Current law prohibits the use of alternative transportation when there exists a substantial likelihood that the person will cause serious physical harm to himself or others. The bill also provides liability protection for alternative transportation providers.

**HB 1694 / SB 966 Temporary detention order; custody.**

Removes the requirement that a person subject to a temporary detention order remain in the custody of the community services board for the duration of the order. This requirement was in conflict with other Code sections that require that such person remain in the custody of law enforcement until custody is transferred to a facility or to an alternative transportation provider.

**HB 1717 / SB 773 Psychiatric treatment of minors; objecting minor.**

Amends the criteria for admitting an objecting minor 14 years of age or older for psychiatric treatment to match the criteria for determining whether a nonobjecting minor or a minor younger than 14 years of age should be admitted. The bill also provides that if a minor 14 years of age or older who did not initially object to treatment objects to further treatment, the mental health facility where the minor is being treated shall immediately notify the parent who consented to the minor's treatment and provide to such parent a summary, prepared by the Office of the Attorney General, of the procedures for requesting continued treatment of the minor.

**HB 1747 Health insurance; mental health parity.**

Conforms certain requirements regarding coverage for mental health and substance use disorders to provisions of the federal Mental Health Parity and Addiction Equity Act of 2008 (the Act). The measure requires that group and individual health insurance coverage provide mental health and substance use disorder benefits. Such benefits shall be in parity with the medical and surgical benefits contained in the coverage in accordance with the Act, even where those requirements would not otherwise apply directly. The measure requires the Bureau of Insurance to develop reporting requirements regarding denied claims, complaints, and appeals involving such coverage and to compile the information into an annual report.

**HB 1847 Public assistance; eligibility determinations.**

Allows the Commissioner of Social Services, when necessary to overcome backlogs in the application and renewal process, to temporarily use other entities to receive and process applications for public assistance, conduct periodic eligibility renewals, and perform other tasks associated with eligibility determinations. Such entities shall be subject to the same confidentiality requirements as local departments of social services, and applications and renewals processed by such entities shall be subject to the same appeals process as those processed by local departments. The bill also directs local departments of social services and the Commissioner to perform certain tasks related to eligibility determinations that are currently delegated to local boards of social services.

**HB 1918 Public assistance; local director of social services to determine eligibility.**

Requires a local director of social services to verify the identity, income, and assets of and other information about an applicant for public assistance necessary to determine the applicant's eligibility for public assistance, consistent with federal law and regulations, for the purpose of eliminating the duplication of assistance, and deterring fraud and to deny public assistance in cases in which information provided by an applicant is inconsistent with information obtained by the local director. The bill requires the Department of Social Services to establish a means to obtain and provide the data necessary for local departments to conduct the required investigation, and to report to the General Assembly by December 1 of each year on the specific types or sources of information local directors used during the past year for the purpose of verifying applicants' identity, income, assets and other information and any types or sources of information the Department plans to make available to local directors to use for such purpose in the future. The Department shall also report the number of applications for public assistance received, approved or denied, or referred for investigation during the past year. The bill also clarifies that eligibility for public assistance shall be reconsidered at least annually or upon receipt of information indicating a change in the recipient's circumstances, and that such reconsideration shall include a review of information necessary to verify the identity, income, and assets of and public information about the recipient.



**HB 2083 / SB 1041 Community policy and management teams; policies governing referrals and reviews.**

Directs community policy and management teams to establish, as part of their policies governing referrals and reviews of children and families to the family assessment and planning teams or a collaborative, multidisciplinary team process approved by the State Executive Council for Comprehensive Services for At-Risk Youth and Families, a process for parents and persons who have primary physical custody of a child to refer children in their care to the teams.

**HB 2118 / SB 1265 Acute psychiatric bed registry; frequency of updating.**

Requires state facilities, community services boards, behavioral health authorities, and private inpatient psychiatric service providers to update information included in the acute psychiatric bed registry whenever there is a change in bed availability or, if no change in bed availability has occurred, at least once daily.

**HB 2141 Community policy and management teams; information sharing.**

Changes the term "community management and planning team" to the term "community policy and management team" (CPMT) in a section of the Code of Virginia relating to information sharing and confidentiality of information in cases being reviewed by a CPMT or family assessment and planning team, to be consistent with terminology used throughout the Code.

**HB 2177 Certificate of public need; eliminates regional health planning agencies.**

Amends the definition of "project" for which a certificate of public need is required to include capital expenditures of \$15 million or more by or on behalf of a medical care facility other than a general hospital. Currently, all capital expenditures of \$15 million or more by or on behalf of any medical care facility constitute a project for which a certificate of public need is required. The bill also provides that capital expenditures of \$5 million or more by a general hospital shall be registered with the Commissioner of Health.

**HB 2316 Southwest Virginia Health Authority; review and approval of cooperative agreements.**

Authorizes the Southwest Virginia Health Authority to receive and review applications for approval of proposed cooperative agreements submitted by two or more hospitals and to and provide recommendations to the State Health Commissioner regarding the approval of such applications. The City of Bristol is added to the jurisdictions participating in the Authority. The State Board of Health is required to promulgate emergency regulations that address (i) the review of applications for proposed collaborative agreements; (ii) the process by which applications for proposed collaborative agreements shall be approved or denied; (iii) post-approval monitoring; and (iv) fees to cover costs of supervising approved cooperative agreement

**HB 2368 Involuntary civil admissions; evaluations.**

Directs the Commissioner of Behavioral Health and Developmental Services to develop by October 1, 2015, a comprehensive plan to authorize psychiatrists and emergency physicians to evaluate individuals for involuntary civil admission.

**SB 779 Psychiatric treatment of minors; duration of admission, petition for judicial approval.**

Increases from 96 to 120 hours the length of time a minor 14 years of age or older who objects to admission for inpatient treatment or who is incapable of making an informed decision may be admitted to a willing mental health facility.

**SB 846 Recipients of public assistance; access to financial literacy courses.**

Directs the Department of Social Services, in consultation with the Virginia Employment Commission and Virginia Community College System, to develop and implement a plan under which citizens receiving public assistance will be provided information on free financial literacy courses.

**SB 850 Comprehensive Services Act for At-Risk Youth and Families; name change.**

Changes the name of the Comprehensive Services Act for At-Risk Youth and Families to the Children's Services Act.

**SB 1052 Developmental disabilities; definition.**

Defines "developmental disability" as a severe, chronic disability of an individual that (i) is attributable to a mental or physical impairment, or a combination of mental and physical impairments, other than a sole diagnosis of mental illness; (ii) is manifested before the individual reaches 22 years of age; (iii) is likely to continue indefinitely; (iv) results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency; and (v) reflects the individual's need for a combination and sequence of special interdisciplinary or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

**SB 1114 Emergency custody order; temporary detention for testing, observation, and treatment.**

Provides that a court or magistrate may issue an order for temporary detention for medical testing, observation, and treatment for a person who is also the subject of an emergency custody order for evaluation and treatment of mental illness. Upon completion of any required testing, observation, or treatment, the hospital emergency room or other appropriate facility in which the person is temporarily detained shall notify the nearest community services board, and a designee of the community services board shall complete the evaluation as soon as is practicable but prior to the expiration of the order for temporary detention for testing, observation, or treatment.

**SB 1117 Child abuse or neglect, suspected; time period for investigation.**

Clarifies that, in cases of alleged child abuse or neglect where the subject of the report is an employee of a school division who is suspected of abusing or neglecting a child in the course of his educational employment, the time period for investigating reports of alleged child abuse or neglect, making a determination of whether the report is founded or unfounded, and transmitting the required report to the Department of Social Services and the person who is the subject of the investigation shall be mandatory, and every local department shall make the required determination and report within the specified time period without delay.

**SB 1151 State and local advisory team; expands membership.**

Expands membership of the state and local advisory team for the State Executive Council for Comprehensive Services for At-Risk Youth and Families to include (i) one parent representative who is not an employee of any public or private program that serves children and families and who has a child who has received services that are within the purview of the Comprehensive Services Act and (ii) one member from each of the five different geographical areas of the Commonwealth who is representative of one of the different participants of community policy and management teams pursuant to § 2.2-5205.

**SB 1264 Involuntary admission and incapacity information; access by law-enforcement.**

Provides that certain information related to persons adjudicated incapacitated or ordered to involuntary inpatient or outpatient treatment or to persons who were subject to a temporary detention order who agreed to voluntary admission may be disseminated to a full-time or part-time employee of a law-enforcement agency for purposes of the administration of criminal justice.

**SB 1283 Certificate of public need; eliminates regional health planning agencies and adds an exception.**

Amends the definition of "project" for which a certificate of public need is required to include capital expenditures of \$15 million or more by or on behalf of a medical care facility other than a general hospital. Currently, all capital expenditures of \$15 million or more by any medical care facility constitute a project for which a certificate of public need is required. The bill provides that capital expenditures of \$5 million or more by a general hospital shall be registered with the Commissioner of Health. The bill also directs the Secretary of Health and Human Resources to convene a work group to review (i) the current certificate of public need process and its impact on health care services in the Commonwealth and (ii) the need for changes to the current certificate of public need process.

### **HJ 586 Public elementary schools; voluntary mental health screenings for students.**

Requests that the Department of Behavioral Health and Developmental Services (i) identify one or more appropriate mental health screening tools, (ii) identify one or more school divisions in which the parents of each student shall be notified of the availability of such mental health screening tools and may give permission for their child to participate in a mental health screening, (iii) analyze the (a) number and type of mental illness diagnoses, (b) additional in-school services provided to diagnosed students as a result of such screenings, and (c) most appropriate grade level for the administration of such screenings, and (iv) report its findings to the Governor and General Assembly by November 30, 2016.

## **Land Use, Housing & Zoning**

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### **HB 1594 Outdoor advertising; regulation by county governing bodies.**

Allows county governing bodies to take over from the Commissioner of Highways the regulation of authorized outdoor advertising or notices that are on public park or school property owned by the county and are not visible from interstates or other components of the National Highway System.

### **HB 1642 / SB 775 Virginia Residential Property Disclosure Act; representations related to special flood hazard areas.**

Requires the owner's representation to a prospective purchaser of residential property under the Virginia Residential Property Disclosure Act that the owner makes no representations with respect to whether the property is located in one or more special flood hazard areas and purchasers are advised to exercise whatever due diligence they deem necessary, including (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas, (ii) review of any map depicting special flood hazard areas, and (iii) whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract. The bill contains technical amendments.

### **HB 1849 Zoning appeals, board of; granting of variance, ex parte communications, proceedings.**

Changes the standard by which a board of zoning appeals shall grant an application for a variance by eliminating or altering several of the requirements.

### **HB 2094 Building Code; limitation of prosecution for violations.**

Provides that prosecutions for Uniform Statewide Building Code violations relating to the maintenance of existing buildings or structures shall commence within one year of the issuance of a notice of violation for the offense by the building official. Under current law, such prosecutions shall commence within one year of the discovery of the offense by the building official.

### **HB 2283 Virginia-recognized Indian tribes; enforcement of Uniform Statewide Building Code.**

Authorizes a state-recognized Indian tribe to be responsible for the enforcement of the Uniform Statewide Building Code (USBC) on any Indian reservation recognized by the Commonwealth if the Indian tribe has adopted the USBC by tribal ordinance and (i) assumed sole responsibility for existing buildings and new construction on the reservation and (ii) retained firms or individuals to function as the building official for purposes of enforcing the ordinance.

EMERGENCY

### **SB 1257 Cash proffer for residential construction; removes sunset date.**

Removes the July 1, 2017, expiration date of a current law that delays the payment of certain per-dwelling-unit cash proffers until after the final inspection of the subject property and prior to the issuance of any certificate of occupancy. The removal of the sunset date also extends existing provisions protecting a right to delayed payment of cash proffers and allowing a court to award fees and costs to a party that prevails in a legal challenge to a conflicting

ordinance. In addition, the bill repeals the July 1, 2017, expiration date of a 2009 act of assembly that lowered the cap on the administrative costs a locality could charge a developer for the dedication of a public right-of-way from 25 percent to 10 percent of the estimated construction cost.

**SB 1272 Alcoholic beverage control; limited distillers' licenses.**

Creates a limited distiller's license for distilleries that (i) manufacture no more than 36,000 gallons of spirits per calendar year, (ii) are located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner, and (iii) use agricultural products grown on the farm in the manufacture of its alcoholic beverages. The bill also establishes local and state taxes for limited distiller's licenses and prevents local regulation of certain activities by such licensees.

**SB 1355 Local planning commission; action on proposed plat.**

Applies certain provisions, including a 60-day time limit, to the process of approval by any local planning commission of a plat or site plan that solely involves commercial real estate. Currently, the provisions apply only to planning commissions in localities with a population greater than 90,000 based on the 2000 U.S. Census.

**SB 1435 Eminent domain; lost profits and just compensation.**

Requires that any and all liability for lost profits claimed in an action for compensation pursuant to a taking under eminent domain be set forth specifically in the award for just compensation and that in a partial acquisition, in the event that the owner of the property being condemned and the owner of the business or farm operation claiming lost profits are the same, then any enhancement shall be offset against both damage to the residue and lost profits. The bill also defines lost profits as a loss of business profits for a period not to exceed three years from the date of valuation if there is a partial taking and for a period not to exceed one year from the date of valuation if the entire parcel of property is taken.

**SJ 235 Virginia Housing Trust Fund; revenue sources, report.**

Directs the Virginia Housing Commission to study methods to evaluate and determine a dedicated revenue source for the Virginia Housing Trust Fund.

## Miscellaneous

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**HB 1499 / SB 1427 Breast-feeding in public places; mother's right.**

Provides that a mother may breastfeed in any place where the mother is lawfully present. Current law allows breastfeeding on any property owned, leased, or controlled by the Commonwealth.

**HB 1553 Local notifications; locality may by ordinance establish system to deliver to residents by email.**

Provides that any locality may by ordinance establish a system to deliver notifications to residents by email, phone, text message, or other similar means of communication. Such ordinance shall be adopted only after a public hearing and shall contain an opt-in provision for nonemergency notifications. Existing notification systems shall be deemed to meet the requirements of the bill.

**HB 1751 Administrative Process Act; certain review by Joint Commission on Administrative Rules, report.**

Provides that in the event the economic impact analysis completed by the Department of Planning and Budget (the Department) reveals that a proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period allowed for preparation of the economic impact analysis. The bill requires the Joint Commission on Administrative Rules to review such rule or regulation and report quarterly to the Governor and the General Assembly on any such regulation, including in its report a statement of any position taken by the Commission on any such regulation.



**HB 1790 State agency or official; prohibition on payments without an appropriation, prohibition on IOUs.**

Prohibits a state agency or official from attempting, guaranteeing, or purporting to pay for a good or service or a debt unless the General Assembly has appropriated funds, or funds are otherwise lawfully available, to pay the same. The prohibition on payment does not apply to payments required by federal law. The bill also prohibits a state agency or official from furnishing an IOU in exchange for any good or service, as a means to pay for any good or service, or in lieu of a payment on a debt.

**HB 2081 Employers; disclosure of social media account information.**

Prohibits an employer from requiring a current or prospective employee to disclose the username and password to his social media account. The measure also prohibits an employer from requiring an employee to add an employee, a supervisor, or an administrator to the list of contacts associated with the employee's social media account.

**SB 1001 Dogs or cats; sell, exchange, etc., prohibited on or in any roadside, parkway, etc.**

Prohibits the sale or display of a dog or cat on or in a roadside, parking lot, flea market, or similar place, with certain exceptions. The bill limits the sources of pet shop dogs to humane societies, public animal shelters, and breeders who meet certain qualifications and establishes a record-keeping requirement for pet shops selling dogs. The bill also applies the existing misdemeanor penalty for a violation of the section to each dog sold or offered for sale.

**SB 1381 Private animal shelter; clarifies purpose and definition.**

Clarifies that the purpose of a private animal shelter is to find permanent adoptive homes for animals.

**HJ 557 / SJ 243 Veterans Services, Department of; JLARC to review.**

Directs the Joint Legislative Audit and Review Commission to review the Department of Veterans Services, including, among other things, the review of programs administered by the Department's agencies and other issues related to the provision of services to veterans. The Commission must report to the Governor and 2017 Regular Session of the General Assembly.

## **Personnel & Benefits**

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**HB 1486 / SB 770 Workers' compensation; exclusivity of remedy.**

Provides that if the Worker's Compensation Commission or a court on appeal from the Commission makes a finding in an unappealed order based on an evidentiary hearing or a factual stipulation of the parties that the claim relating to an accident, injury, disease, or death did not arise out of or in the course of the employee's employment, then that finding shall be res judicata between the parties and estop them from arguing before a court that the accident is barred by the exclusivity provisions of the Workers' Compensation Act. The bill further sets out the notice provisions required in order for the court finding to be res judicata.

**HB 1681 Workplace safety; employer reporting requirements.**

Requires employers to notify the Virginia Department of Labor and Industry of any work-related hospitalization, amputation, or loss of an eye. Existing law requires employers to report hospitalizations involving three or more employees and does not specifically address reporting an amputation or enucleation.

**HB 1820 Workers' compensation; pecuniary liability of the employer for medical services, report.**

Requires the Virginia Workers' Compensation Commission to determine the number and geographic area of communities across the Commonwealth. The measure also requires the Commission to convene a work group of stakeholder representatives of employers, health care service providers, claimants, and insurers to advise and assist the Commission in (i) reviewing, analyzing, and comparing information contained within and reports on all possible databases containing workers compensation or healthcare data for medical services rendered in Virginia, (ii) reviewing, analyzing, and comparing information contained within and reports on how similar databases are used for the establishment of the pecuniary liability of the employer in other states, and (iii) making findings or

recommendations as to how the databases reviewed and the contents thereof may serve to enhance or replace Virginia's current mechanisms for establishing the pecuniary liability of the employer for medical services provided to an injured employee.

**HB 1890 Virginia Retirement System; purchase of service credit for prior service.**

Makes numerous changes to the purchase of service credit program to simplify it and make it more cost-neutral to the fund and more in line with other states' programs. The bill has a delayed effective date of January 1, 2017.

**HB 1940 Health insurance; mandated coverage for autism spectrum disorder.**

Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals from age two through 10. Currently, coverage is required to be provided for individuals from age two through six. The provision applies with respect to insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2016. The measure does not apply to policies, contracts or plans issued in the individual market or the small group market, which effective January 1, 2016, will include employers with no more than 100 employees.

**HB 1969 Virginia Retirement System; cash balance retirement plan.**

Directs the Virginia Retirement System to develop a proposed cash balance retirement plan and provide the proposal to the General Assembly no later than November 1, 2015.

**HB 1998 State and federal programs; VRS shall convene a work group to review, etc.**

Requires the Virginia Retirement System to convene a work group to review current state and federal programs that encourage citizens of the Commonwealth to save for retirement by participating in retirement savings plans. The review will include an examination of retirement savings options for self-employed individuals, part-time employees, full-time employees whose employers do not offer a retirement savings plan, and groups with a low savings rate. The Virginia Retirement System will report its findings to the Governor and the General Assembly by January 1, 2017.

**HB 2178 / SB 1162 Hybrid retirement program; disclosure of services, etc., associated with voluntary contributions.**

Allows school divisions the option of establishing and administering their own deferred compensation and cash match plans for the hybrid retirement program. Employees of such school divisions would have the option of participating in such programs. The bill has a delayed effective date of January 1, 2016.

**HB 2204 Line of Duty Act; codifying revisions to the Act.**

Revises the Line of Duty Act by codifying revisions to the Act in the appropriation act, transferring overall administration of the Act to the Virginia Retirement System (VRS), transferring administration of health insurance benefits under the Act to the Department of Human Resource Management (DHRM), and providing for an administrative appeal process. The bill also directs VRS and DHRM, with the input of all stakeholders, to develop proposals on how to improve the Act and ensure its long-term fiscal viability. Except for the development of proposals by VRS and DHRM, the bill becomes effective July 1, 2016, and only if reenacted in the 2016 Session.

**HB 2277 Life insurance; coverage for retired state employees.**

Provides that the basic life insurance coverage for retired state and local employees with 30 or more years of creditable service shall not be reduced to less than \$8,000, indexed to the amount of post-retirement supplements for retirees as calculated for employees hired on or after July 1, 2010.

### **SB 942 Virginia Retirement System; purchase of prior service credit.**

Allows a member of the Virginia Retirement System granted an unpaid leave of absence for the death of a qualifying child to purchase up to one year of service credit per occurrence of leave. Current law allows the purchase of service credit for an unpaid leave of absence related to the birth or adoption of a child.

### **SB 1046 Benefits consortium; formation of a not-for-profit consortium by localities.**

Authorizes the governing bodies of three or more cities, counties, or school boards, if they composed the membership of a multiple employer welfare arrangement on December 31, 2014, to form a benefits consortium for the purpose of establishing a self-funded employee welfare benefit plan. The benefits consortium will be a nonstock corporation established to operate a benefits plan. Each member of the benefits consortium shall be contractually liable for its allocated share of the consortium's liabilities. The benefits consortium will be exempt from taxation and from insurance regulations.

## **Procurement**

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### **HB 1628 Virginia Public Procurement Act; contract modification.**

Provides that the contract modification provisions of the Virginia Public Procurement Act do not limit the amount a party to a public contract may claim or recover against a public body in the event of a contract dispute. The bill provides that modifications made by a political subdivision that fail to comply with the above provisions are voidable at the discretion of the governing body, and unauthorized approval of a modification cannot be the basis of a contractual claim under the Virginia Public Procurement Act.

### **HB 1637 Virginia Public Procurement Act; job order contracts and design professional contracts.**

Decreases the population threshold for localities for the procurement of architectural and engineering services from 80,000 to 78,000 and increases the single project limit for architectural and engineering services for such localities from \$2 million to \$2.5 million and the aggregate limit for projects performed in a one-year contract term from \$5 million to \$6 million.

### **HB 1835 / SB 1371 Virginia Public Procurement Act (VPPA); methods of procurement.**

Clarifies that small purchase procedures include the procurement of non-transportation related construction and that any such procedures shall not waive compliance with the Uniform State Building Code. The bill adds independent agencies of the Commonwealth to the definition of public body under the VPPA. The bill also increases contract amounts for job order contracting and provides that (i) order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed is prohibited, (ii) no public body shall issue or use a job order, under a job order contract, solely for the purpose of receiving professional architectural or engineering services that constitute the practice of architecture or the practice of engineering as those terms are defined in § 54.1-400. However, professional architectural or engineering services may be included on a job order where such professional services are (a) incidental and directly related to the job, (b) do not exceed \$25,000 per job order, and (c) do not exceed \$75,000 per contract term., and (iii) job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. The bill clarifies the provisions of the VPPA related to cooperative procurement and requires that by October 1, 2017, the Department of Small Business and Supplier Diversity, public institutions of higher education having level 2 or 3 authority under the Restructured Higher Education Financial and Administrative Operations Act of 2005, any state agency utilizing job order contracting, and the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing, on behalf of local public bodies, working cooperatively report their respective experiences and findings relating to the appropriateness and effectiveness of job order contracting in general, the job order project cost limitations as added by this bill, and the architectural and professional engineering term contract limits to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology. The bill also requires for construction projects in excess of \$2 million, a public body, including public institutions of higher education, provide its justification for use of any procurement method other than competitive sealed bidding to the Director of the Department of General Services. The bill requires the State Corporation Commission (SCC) to develop a process for the administrative review of its procurement decisions that is consistent

with the Constitution of Virginia. The bill further provides that its provisions shall not apply to any solicitation issued or contract awarded before July 1, 2015, except that the provisions of subsection B of § 2.2-4303.2, as added by this bill, shall apply to any renewal of a job order contract. The bill and is a recommendation of the General Laws Special Joint Subcommittee Studying the Virginia Public Procurement Act. *Governor's amendments rejected.*

**HB 1886 Public-Private Transportation Act; establishes requirement for finding of public interest.**

Establishes the requirements for a finding of public interest and requires such a finding prior to an initiation of procurement. The bill establishes the Transportation Public-Private Partnership Advisory Committee to determine by a majority vote whether a VDOT or Department of Rail and Public Transportation project meets the finding of public interest and to report such determination to the General Assembly. The bill requires certification of the finding prior to the execution of a comprehensive agreement and requires the public-private partnership guidelines to incorporate the finding. The bill requires VDOT to establish (i) a process for identifying high-risk projects and (ii) procurement processes and guidelines for such projects to ensure that the public interest is protected.

**HB 1917 Governmental agencies; contracts for items listed on commercial activities list.**

Requires any governmental agency that intends to purchase services for an amount over \$25,000 from another governmental agency, which service is found on the commercial activities list, to post notice of such purchase and provide the opportunity for comment by or the submission of information from the private sector on each such intended purchase, with an exception for services provided by central state agencies or public colleges. The bill specifies where the notice is to be posted and defines commercial activities list and governmental agency.

**HB 2293 Value engineering; report shall not be required for certain projects.**

Eliminates the need for a value engineering report for projects that (i) are designed utilizing either the design-build or construction management at risk basis and (ii) have the value engineering process as an integral component. The bill also eliminates the requirement that a designee of the Department of General Services (the Department) participate in all cost-saving decisions for such projects having a waiver granted by the Director of the Department. The bill requires that only a written summary of the cost savings that have been incorporated into the design be provided to the Division of Engineering and Buildings prior to moving forward to the construction phase of the contract.

**SB 1226 Virginia Public Procurement Act; requirements for Requests for Proposal.**

Requires that Requests for Proposal include the specifics of any numerical scoring system to be used and indicate the weight that will be given to individual components of a proposal. The bill provides that if a numerical system is used, the point values assigned to each of the evaluation criteria must be included in the RFP or posted at the location designated for public posting of procurement notices prior to the due date and time for receiving proposals.

**HJ 490 Constitutional amendment (first resolution); right to work.**

Provides that any agreement or combination between any employer and any labor union or labor organization whereby persons not members of such union or organization are denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is against public policy and constitutes an illegal combination or conspiracy and is void.

## Public Safety

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**HB 1355 Photo monitoring; use of systems to enforce traffic light signals, appeals.**

Provides that an operator of a motor vehicle found in violation of an ordinance created to enforce photo-monitoring systems for traffic lights has a right to appeal to the circuit court in a civil proceeding. The bill also reduces from \$50 to \$20 the amount of the matter in controversy above which an appeal of right exists in a civil case.



**HB 1408 Telecommunication records; warrant requirement, prohibition on collection by law enforcement.**

Provides that if an investigative or law-enforcement officer would be required to obtain a search warrant in order to obtain the contents of electronic communications or real-time location data from a provider of electronic communication service or remote computing service, the officer shall not use any device to intercept such communications or collect such real-time location data without first obtaining a search warrant authorizing the use of the device.

**HB 1458 / SB 1186 Naloxone; administration in cases of opiate overdose.**

Provides that a pharmacist may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, that a person may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opiate overdose, and that firefighters and law-enforcement officers who have completed a training program may possess and administer naloxone. The bill also provides that a person who in good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opioid overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of § 54.1-3408 or in his role as a member of an emergency medical services agency. EMERGENCY.

**HB 1560 / SB 888 Electronic summons systems; towns may assess an additional sum.**

Allows towns to assess a fee not to exceed \$5, as part of the costs in each criminal or traffic case in the district or circuit courts located where such cases are brought, to be used for the implementation and maintenance of an electronic summons system.

**HB 1584 / SB 938 Fire services and emergency medical services; revises certain terminology.**

Revises terminology related to fire services and emergency medical services and reorganizes provisions governing fire services and emergency medical services.

**HB 1606 / SB 1217 Private police departments; definition.**

Defines "private police department" as any police department that employs private police officers operated by an entity authorized by statute or an act of assembly to establish a private police department. The bill provides that the authority of a private police department is limited to real property owned, leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property. The bill also provides that private police departments and private police officers shall be subject to and comply with the relevant laws and regulations governing municipal police departments and shall meet the minimum compulsory training requirements for law-enforcement officers. The bill provides further that any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department of Criminal Justice Services at that time may continue to operate as a private police department, provided that it complies with the necessary requirements. The private police departments so recognized are the Aquia Harbor Police Department, the Babcock and Wilcox Police Department, the Bridgewater Airpark Police Department, the Carilion Police and Security Services Department, the Kings Dominion Park Police Department, the Kingsmill Police Department, the Lake Monticello Police Department, the Massanutten Police Department, and the Wintergreen Police Department. EMERGENCY

**HB 1611 Assault and battery; felony when committed against certain persons.**

Amends provision making it a Class 6 felony to commit an assault or an assault and battery against judges, magistrates, law-enforcement officers, correctional officers, firefighters, emergency medical services personnel, and persons directly involved in the care, treatment, or supervision of certain inmates, juvenile offenders, and sexually violent predators when they are engaged in the performance of their public duties to state that the crime occurs regardless of where in the Commonwealth the public duties are performed. The bill provides that its provisions are declarative of existing law.

**HB 1673 / SB 965 Government Data Collection and Dissemination Practices Act; limitation on collection.**

Provides that, unless a criminal or administrative warrant has been issued, law-enforcement and regulatory agencies shall not use license plate readers to collect or maintain personal information where such data is of unknown relevance and is not intended for prompt evaluation and potential use regarding suspected criminal activity or terrorism by any individual or organization. The bill authorizes law-enforcement agencies to collect information from license plate readers, provided that such information is held for no more than seven days and is not subject to any outside inquiries or internal usage, except in the investigation of a crime or missing persons report. After seven days, such collected information must be purged from the system unless it is being used in an ongoing investigation. The bill also adds to the definition of "personal information" vehicle license plate numbers and information that affords a basis for inferring an individual's presence at any place. *Governor's amendments rejected.*

**HB 1785 Campus police departments; sexual assault reporting.**

Requires that mutual aid agreements between a campus police force and a law-enforcement agency contain provisions requiring either the campus police force or the agency with which it has established a mutual aid agreement to notify the local attorney for the Commonwealth within 48 hours of any investigation involving felony criminal sexual assault occurring on campus property or other property related to the institution of higher education. The bill also requires institutions of higher education that have security departments instead of campus police forces to enter into a memorandum of understanding with a law-enforcement agency and such memorandum of understanding shall contain similar provisions requiring reports to the local attorney for the Commonwealth.

**HB 1808 / SB 1184 Missing persons; search and rescue.**

Provides that no local law-enforcement agency shall establish or maintain any policy that requires a waiting period before accepting a critically missing adult report and requires a local law-enforcement agency that receives such a report to initiate an investigation of the case within two hours of receipt. The bill defines a critically missing adult as any missing adult 21 years of age or older whose disappearance indicates a credible threat to the health and safety of the adult as determined by a law-enforcement agency and under such other circumstances as deemed appropriate after consideration of all known circumstances. The bill requires the Department of Criminal Justice Services to establish training standards and publish a model policy for missing children, missing adults, and search and rescue protocol. The bill requires the Department of Emergency Management to establish a Coordinator of Search and Rescue. This bill is a recommendation of the Virginia State Crime Commission.

**HB 1833 Naloxone; administration by law-enforcement officers.**

Allows first responders, members of an emergency medical services agency, or law-enforcement officers to possess naloxone and administer naloxone to a person who is believed to be experiencing or about to experience an opiate overdose. The bill provides immunity from civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. EMERGENCY.

**HB 1955 / SB 1232 Cigarette laws; administration and enforcement.**

Modifies several provisions relating to the administration and enforcement of Virginia's cigarette laws by prohibiting persons convicted of certain offenses from being authorized holders, requiring the Office of the Attorney General to place on its website a list of individuals ineligible to be an authorized holder, and authorizing additional entities to audit and inspect records of persons receiving, storing, selling, handling, or transporting cigarettes. This bill is a recommendation of the Virginia State Crime Commission.

**HB 2043 / SB 1361 Incarcerated persons; transfer to U.S. Immigration and Customs Enforcement.**

Allows the custodian of a state or local inmate to transfer custody of an incarcerated alien to U.S. Immigration and Customs Enforcement no more than five days before the date on which such inmate would otherwise be released if the custodian receives a detainer from U.S. Immigration and Customs Enforcement. The bill requires that, upon such transfer of custody, the alien receive credit for the number of days remaining before he would otherwise have been released.

**HB 2092 / SB 1094 Virginia Sexual and Domestic Violence Local Program Center; established.**

Establishes the Virginia Sexual and Domestic Violence Program Professional Standards Committee and requires the Department of Criminal Justice Services to administer its activities by providing technical assistance and administrative support. This Committee is tasked with establishing voluntary accreditation standards and procedures by which local sexual and domestic violence programs can be systematically measured and evaluated with a peer-reviewed process. An Advisory Committee on Sexual and Domestic Violence is also established and has the responsibility for advising and assisting state and local entities on matters related to the prevention and reduction of sexual and domestic violence and to promote the efficient administration of grant funds. This bill is a recommendation of the Virginia State Crime Commission.

**HB 2112 DCJS; eliminates requirement for training standards for undercover work.**

Eliminates the requirement that the Department of Criminal Justice Services establish compulsory training courses for law-enforcement officers who have not completed the compulsory minimum training standards prior to assigning any such officer to undercover investigation work. Such training is not offered by criminal justice training academies due to liability and officer safety issues.

**HB 2125 / SB 1301 Use of unmanned aircraft systems; search warrant required.**

Replaces the moratorium on the use of unmanned aircraft systems by state and local law-enforcement and regulatory entities, except in defined emergency situations or in training exercises related to such situations, that will expire on July 1, 2015, with an absolute prohibition on the use of unmanned aircraft systems by such law-enforcement and regulatory entities unless a search warrant has been obtained prior to such use. The warrant requirement does not apply when such systems are utilized to support the Commonwealth for purposes other than law enforcement or to certain search and rescue operations, certain Virginia National Guard and U.S. Armed Forces functions, research and development conducted by institutions of higher education or other research organizations, or the use of unmanned aircraft systems for private, commercial, or recreational use.

**HB 2206 / SB 1195 Conservators of the peace, special; application for appointment.**

Makes numerous changes to law on qualifying to be a conservator of the peace and on rules for such conservators. *Governor's amendments rejected in part.*

**HB 2222 / SB 1360 Commonwealth's Attorneys Training Fund; established.**

Establishes the Commonwealth's Attorneys Training Fund to be used for the purpose of supporting prosecutor training and law-enforcement training.

**HB 2235 HOT lanes; when law-enforcement vehicles may use.**

Clarifies the circumstances under which law-enforcement vehicles may use HOT lanes without paying a toll.

**HB 2369 Conservators of the peace, special; orders of appointment.**

Provides that a judge may revoke an order of appointment for a special conservator of the peace for good cause shown and after the special conservator of the peace has been given notice and an opportunity to be heard. Pending a hearing on revocation, the order may be temporarily suspended. The bill also provides that an appointment shall be eligible for suspension and revocation after a hearing if a special conservator of the peace is convicted of an offense for which he could not initially become registered as a special conservator of the peace.

**SB 845 Volunteer first responders; immunity from civil liability when in route to an emergency.**

Provides that no volunteer firefighter or volunteer emergency services personnel shall be liable for any injury to persons or property arising out of the operation of an emergency vehicle when such volunteer is en route to respond to a fire or to render emergency care or assistance to any ill or injured person at the scene of an accident, fire, or life-threatening emergency and the emergency vehicle displays warning lights and sounds a siren, exhaust whistle, or air horn, unless such injury results from gross negligence or willful or wanton misconduct. Such immunity shall be in addition to, not in lieu of, any other applicable immunity provided by state or federal law.

**SB 936 Unclaimed firearms; donation to Department of Forensic Science.**

Permits localities, the Capitol Police, and the State Police to donate unclaimed firearms to the Department of Forensic Science. The bill also extends from 60 to 120 days the period for which various law-enforcement agencies must retain unclaimed firearms before destroying or donating such firearms.

**SB 951 Dead bodies; disposition of remains or burial of decedent.**

Clarifies the role of a person other than a decedent's next of kin, a person designated to make arrangements for the decedent's burial or the disposition of his remains, an agent named in an advance directive, or a court-appointed guardian to make decisions regarding the disposition of a decedent's remains. The bill defines "disposition" as the burial, interment, entombment, cremation, or other authorized disposition of a dead body. The bill also clarifies the definition of next of kin.

**SB 997 Emergency medical services personnel; background checks, process.**

Allows local governments, by adoption of an ordinance, to use an alternative method for criminal history background checks for emergency medical services personnel. Emergency medical services agencies in such localities shall require applicants to submit fingerprints and personal identifying information to be provided directly to the Central Criminal Records Exchange, which shall forward the results of the state and national records search to the local government or chief law-enforcement officer of the locality, who shall notify the Office of Emergency Medical Services of the applicant's eligibility for employment or volunteer service.

**SB 1049 Regional jails; reimbursement of capital costs, regional contracts for cooperative jailing.**

Reduces from one-half to one-fourth the maximum state reimbursement for capital costs for construction, enlargement, or renovation of regional jails and jails where there is a regional contract for cooperative jailing. The Commonwealth shall continue to reimburse up to one-half of the capital costs for (i) the enlargement or renovation of any regional jail created prior to July 1, 2015, and (ii) the construction, enlargement, or renovation of any regional jail approved by the Governor prior to such date.

The bill also prohibits any project to construct, enlarge, or renovate a jail or jail facility that was not approved by the Governor prior to July 1, 2015, or created prior to such date, unless the project is specifically authorized in the general appropriation act.

**SB 1098 Juvenile Justice and Prevention, Advisory Committee on; delinquency prevention.**

Broadens the scope of the Advisory Committee on Juvenile Justice to include review of juvenile delinquency prevention activities in the Commonwealth. The bill also adds the Commissioner of Health to the membership of the Advisory Committee and provides that the Advisory Committee may serve as an advisory committee as may be required by other federal or state laws or programs administered by the Department of Criminal Justice Services.

**SB 1238 Emergency Management, Department of; electromagnetic pulses and geomagnetic disturbances.**

Requires the Department of Emergency Management, in carrying out its duties related to disaster preparedness planning and response, to specifically plan for disasters caused by electromagnetic pulses and geomagnetic disturbances.

**SB 1301 Unmanned aircraft systems; use by public bodies during execution of a search warrant, exception.**

Replaces the moratorium on the use of unmanned aircraft systems by state and local law-enforcement and regulatory entities, except in defined emergency situations or in training exercises related to such situations, that will expire on July 1, 2015, with an absolute prohibition on the use of unmanned aircraft systems by such law-enforcement and regulatory entities unless a search warrant has been obtained prior to such use. The warrant requirement does not apply when such systems are utilized to support the Commonwealth for purposes other than law enforcement or to certain search and rescue operations, certain Virginia National Guard and U.S. Armed Forces functions, research and development conducted by institutions of higher education or other research organizations, or the use of unmanned aircraft systems for private, commercial, or recreational use. *Governor's amendments rejected.*

**SB 1307 Search warrants; collection of evidence from computers, computer networks, or other device.**

Clarifies that a search warrant that authorizes the lawful seizure of digital evidence from a computer, computer network, or other device containing electronic or digital information includes the search and seizure of the physical components and the electronic or digital information contained in such computer, computer network, or other device. The bill also provides that any search, including the search of any computer, computer network, or other device, may be conducted in any location and not just the location where the evidence was seized. The bill provides that its provisions are declaratory of existing law.

**SB 1311 Prisoners; sheriff, etc., to notify victim as soon as practicable of transfer.**

Requires the sheriff, superintendent, or Department of Corrections to give notice to any victim of the offense for which a prisoner was incarcerated as soon as practicable following the transfer of such prisoner. Under current law, such notice must be given at least 15 days prior to the transfer.

**SB 1434 Dead bodies; disposition, identification of decedent.**

Provides that in cases in which the identity of a decedent and the county or city in which the decedent resided at the time of death are known, the person or institution having initial custody of the dead body shall notify the primary law-enforcement agency for the county or city in which the decedent resided of the decedent's death, and such law-enforcement agency shall make good faith efforts to identify and notify the decedent's next of kin. Currently, the primary law-enforcement agency for the county or city in which the person or institution having initial custody of the dead body is located is responsible for making good faith efforts to identify the decedent and notify the decedent's next of kin.

**HJ 644 Internet; benefit of sharing wireless access with local law-enforcement agencies.**

Requests the Virginia Municipal League and the Virginia Association of Counties to apprise its members of the sense of the General Assembly regarding the benefit of sharing wireless Internet access with local law-enforcement officers.

## **Taxation, Finance & Revenues**

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**HB 1291 / SB 678 Real property tax; notice of assessments.**

Clarifies that the information required on the notice of assessment regarding assessments in the immediately prior two tax years refers to the immediately prior two tax years' final assessments.

**HB 1297 Machinery and tools tax; production of renewable energy.**

Classifies machinery and tools owned by a business and used directly in producing or generating renewable energy as a separate class of property for tax rate purposes. The bill authorizes each locality to impose a tax on such machinery and tools at a rate less than that generally applicable in the locality to machinery and tools.

**HB 1340 / SB 1219 Tangible personal property tax relief; autocycles.**

Adds autocycles to those motor vehicles that qualify for tangible personal property tax relief. Beginning in 2016, certain localities would be required to apply tangible personal property tax relief to autocycles used for nonbusiness purposes.

**HB 1386 Disaster relief; assistance by out-of-state businesses and employees.**

Provides that out-of-state businesses and employees who come into the Commonwealth solely for the purpose of performing disaster-related or emergency-related work in response to a declared disaster or emergency shall not be subject to state or local taxes or registration requirements. However, nothing in the bill is to be construed as to change the obligation of the business or employee to be subject to withholding or pay income taxes in the



employee's home state during the disaster response period. Upon request, the State Corporation Commission may require such a business to provide certain information. The Commission is required to maintain a record of such information and to make the record available to the public. EMERGENCY

**HB 1424 / SB 969 Virginia Water and Waste Authorities Act; delinquent payment.**

Repeals a provision of the Virginia Water and Waste Authorities Act that limits a landlord's liability for a tenant's separately metered sewer or water charges to three delinquent billing periods of no more than 90 days in total. The provision being repealed also prohibits a water or sewer authority from refusing service to the affected premises, or other premises of the landlord, on account of the delinquency as long as the landlord has paid the charges for which he is liable.

**HB 1483 Real property assessment; valuation for land preservation.**

Permits localities to set acreage requirements less than the current five-acre requirement for agricultural property to qualify for land use valuation.

**HB 1488 Conservation easements; tax benefits, disputes over easement terms.**

Allows a landowner or other party to a conservation easement to request that the Virginia Land Conservation Foundation use the Administrative Dispute Resolution Act to resolve a dispute relating to the interpretation of the easement.

**HB 1489 Local taxes; payment by a third party.**

Increases from 24 months to 96 months the maximum reimbursement time period for third-party tax payment agreements, in which a taxpayer repays a third party who paid local taxes on the taxpayer's behalf.

**HB 1567 Tax-delinquent property; multijurisdictional sale.**

Provides a method for the sale of tax-delinquent real property that is located in more than one locality. The consent of the treasurer of each locality within which the property is located is required.

**HB 1589 Personal property; tax relief on certain motor vehicles leased by members of the military.**

Requires each locality receiving personal property tax reimbursement from the Commonwealth to ensure that the reimbursement covers all of the tax attributable to the first \$20,000 of value on each qualifying vehicle leased by an active duty member of the United States military, his spouse, or both, pursuant to a contract requiring the active duty member to pay the tangible personal property tax on such vehicle, if the vehicle would not be taxed in Virginia if it were owned.

**HB 1705 / SB 1308 Gas severance tax; no tax shall be imposed on or after January 1, 2018.**

Extends the sunset date from December 31, 2015, to January 1, 2018, for the local gas severance tax that is dedicated to (i) the local Coal and Gas Road Improvement Fund, (ii) the Virginia Coalfield Economic Development Fund, and (iii) water, sewer, and natural gas systems and lines.

**HB 1711 Real property tax; nonjudicial sale of certain tax-delinquent property.**

Clarifies that the person who administers a locality's zoning ordinance, and therefore the person who makes determinations whether certain tax-delinquent real property meets the requirements for a nonjudicial sale, does not have to have "zoning administrator" as his official title.

**HB 1721 Real property tax; exemption for surviving spouses of members of armed forces killed in action.**

Exempts from taxation the dwelling of the principal residence of a surviving spouse of a member of the armed forces of the United States killed in action. If the value of the dwelling is in excess of the average assessed value of dwellings in the locality situated on property zoned as single family residential, then the portion of the value in excess of such average assessed value shall be subject to taxation. Pursuant to subdivision (b) of Section 6-A of

Article X of the Constitution of Virginia, which was adopted by the voters in 2014, the General Assembly previously enacted legislation exempting from taxation the principal residence of such surviving spouse only if the assessed value of the residence was not in excess of the averaged assessed value. This bill exempts the portion of the residence below the average assessed value, regardless of the full assessed value of the dwelling.

**HB 1727 / SB 1044 Commonwealth's tax code; conformity with federal law.**

Advances conformity with the federal tax code from January 2, 2013, to December 31, 2014. EMERGENCY

**HB 1766 / SB 1031 Real property tax; exemption for certain leasehold interests.**

Authorizes localities to exempt from real property tax the leasehold interest in property in which the lessor is exempt from real property tax and the lessee is entitled to federal rehabilitation tax credits related to the property and uses the property for charitable, literary, scientific, cultural, or educational purposes..

**HB 1828 / SB 1019 Land preservation; tax credit.**

Makes several changes to the land preservation tax credit by (i) reducing the maximum amount of tax credits that may be issued in each calendar year from \$100 million to \$75 million beginning in 2015; (ii) with the exception of credits issued for fee simple interest donations, reducing the maximum amount of the land preservation tax credit that may be claimed in any year from \$100,000 in taxable year 2014 to \$20,000 in taxable years 2015 and 2016 and \$50,000 for each taxable year thereafter; (iii) requiring that a complete application for the tax credit with regard to a conveyance be filed with the Department of Taxation by December 31 of the year following the calendar year of the conveyance; and (iv) prohibiting the Department of Taxation from issuing any tax credit for a donation from any allocation or pool of tax credits attributable to a calendar year prior to the year in which the complete tax credit application for the donation was filed.

**HB 1966 Local vehicle license fees and taxes; counties/towns to enter into reciprocal agreements to collect.**

Allows counties and adjoining towns to enter into reciprocal agreements to collect each other's nondelinquent vehicle license fees and taxes.

**HB 2098 / SB 1127 Tangible personal property; miscellaneous and incidental property.**

Declares miscellaneous and incidental property used in a trade or business with an original cost of less than \$250 as a separate classification of tangible personal property, thereby permitting localities to impose a lower tax rate on such property. The bill also authorizes localities to permit taxpayers to provide an aggregate estimate of the total value of such property instead of an itemized list.

**HB 2161 / SB 999 Deeds of trust or mortgages; calculation of tax shall be calculated using rate scale, etc.**

Clarifies and makes substantive and technical changes to state recordation taxes and fees, including requiring that the recordation tax on any deed of trust that is supplemental to an existing deed of trust be calculated only on that portion of the debt that is in addition to the original debt on which the tax has been paid. Under current law, such calculation of the recordation tax is restricted to supplemental deeds of trust with the same lender.

**HB 2173 Real property tax; waiver of delinquent taxes.**

Authorizes any locality to waive delinquent taxes on real property in exchange for the owner's donating the property to a nonprofit organization that builds, renovates, or revitalizes affordable housing for low-income families.

**SB 721 Seizure of property; receipt required.**

Requires the agency seizing property to, as soon as practicable, conduct an inventory of the seized property and provide a copy of such inventory to the property owner. *Governor's amendments rejected.*

**SB 872 Real property; explanation of increased assessment.**

Requires an assessing officer of a governing body to provide, upon taxpayer request, a written explanation of or justification for an increase in the assessed value of the taxpayer's property.

**SB 1010 Taxation, Department of; disclosure of information.**

Authorizes the Department of Taxation to disclose (i) whether a person, firm, or corporation is registered as a retail sales and use tax dealer and whether a certificate of registration number for such tax is valid, (ii) to the developer or the economic development authority of a tourism project tax information facilitating the repayment of gap financing, and (iii) tax information to a private entity with which the Department has contracted to assist in the administration of the refund process. The bill also allows the Attorney General and the Tax Commissioner to disclose tax information relating to sellers and purchasers of cigarettes or other tobacco products to a federal, state, or local agency.

**SB 1040 License tax; businesses ceasing operations.**

Allows a person, firm, or corporation that ceases business in one year, but attempts to settle existing, outstanding accounts in the next year, to pay a license tax based on the estimate of the current year's gross receipts instead of the previous year's gross receipts. At the time all accounts are closed, the amount paid shall be adjusted for actual gross receipts. Penalties apply if the person, firm, or corporation provides an unreasonable estimate, or if the person, firm, or corporation continues to operate the business during such a year. EMERGENCY

**SB 1177 Commissioners of the revenue; production of documents related to tax liability by taxpayer.**

Authorizes a commissioner of the revenue to require a taxpayer to produce documents related to his tax liability. Current law authorizes a treasurer to summon a taxpayer and require the production of documents, but authorizes a commissioner of the revenue only to summon a taxpayer.

**HJ 597 Constitutional amendment; real property tax exemption.**

Provides that the General Assembly may provide for a local option to exempt from taxation the primary residence of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel killed in the line of duty. Such tax exemption may not be claimed by a surviving spouse who has remarried.

**HJ 635 Communications sales and use tax; Department of Taxation to study performance of tax.**

Requests the Department of Taxation to conduct a study of the performance of the communications sales and use tax.

## Transportation

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**HB 1402 Highway maintenance; payments to certain cities and towns.**

Provides that cities and towns that receive highway maintenance payments from the Commonwealth based on moving-lane-miles of highway will not have such payments reduced if moving-lane-miles of highway are converted to transit-only lanes and allows the City of Richmond to convert up to such moving-lanes to bicycle lanes without a loss in maintenance payments provided that the conversions are limited to no more than 20 moving lane-miles. The bill also directs the Secretary of Transportation to report by December 1, 2015, on an appropriate maintenance formula for bicycle lanes.

**HB 1593 Parking in residential areas; localities may by ordinance permit in a public right-of-way.**

Provides that localities may by ordinance permit the parking of vehicles within residential areas in a public right-of-way that constitutes a part of the state highway system so long as the vehicle does not obstruct the right-of-way.

### **HB 1662 / SB 1025 Transportation network companies (TNCs); licensing process by DMV.**

Establishes a process for the licensing of transportation network companies (TNCs) by the Department of Motor Vehicles (DMV), provided that TNCs comply with the requirements for licensure. The bill requires TNCs to screen drivers (TNC partners), ensure that all drivers are at least 21 years old and properly licensed to drive, and conduct background checks on all drivers including a national criminal background check, a driving history report, and status on the state and national sex offender registries.

The bill also requires that TNC partner vehicles be titled and registered personal vehicles; be insured; have a maximum seating capacity of no more than seven persons, excluding the driver; be registered with DMV for TNC use; and display TNC and DMV identification markers. The bill further requires that TNC drivers be covered by a specific liability insurance policy and specifies the nature and limits of the insurance coverage. The bill also imposes several other operational requirements, including requirements that the TNC provide a credential to the driver and disclose information about the TNC partner and TNC policies to passengers.

The bill authorizes DMV to conduct periodic reviews of TNCs to confirm compliance and authorizes fees to cover DMV's costs of administering the program, an initial TNC license fee of \$100,000 and an annual license renewal fee of \$60,000. The bill requires DMV to review the fee structure and report by December 1, 2016.

### **HB 1827 Routine highway maintenance projects; exemption from erosion and sediment control requirements.**

Exempts routine highway and road maintenance projects from the requirements of the Erosion and Sediment Control Act, including the reduction of flow runoff rates. This exemption is consistent with the exemption for similar routine highway maintenance projects under the Stormwater Management Program.

### **HB 1887 Commonwealth Transportation Board; membership, funding, updates annual reporting, and allocations.**

Removes the Executive Director of the Virginia Port Authority from the Commonwealth Transportation Board (CTB) and makes the members of the CTB subject to removal by the Governor for malfeasance, misfeasance, incompetence, misconduct, neglect of duty, absenteeism, conflicts of interest, failure to carry out the policies of the Commonwealth, or refusal to carry out a lawful directive of the Governor. Both provisions would become effective July 1, 2016.

The bill updates the annual report of the Commissioner of Highways made to the Governor and the General Assembly and adds that such report be submitted to the Joint Legislative Audit and Review Commission and the CTB. The report must include the condition of existing transportation assets; the methodology used to determine maintenance and state of good repair needs; performance targets and outcomes; a listing of prioritized pavement and bridge projects based on the priority ranking system; VDOT strategies for improving the safety, security, and operations of highways; and a review of VDOT's collaboration with the private sector in delivering services.

The bill adds to transportation funding considerations the state of good repair purposes along with asset management practices and maintenance and requires the CTB to develop a priority ranking system for structurally deficient bridges and deteriorated pavements.

The bill establishes the high-priority projects program and the highway construction district grant program and replaces the \$500 million annual allocation made by the CTB and the 40-30-30 allocation formula to the primary, secondary, and urban highways with a new 40-30-30 allocation of funds to state of good repair purposes, high-priority projects, and highway construction district grants.

The bill also reallocates the interest, dividends, and appreciation that currently accrue to the Transportation Trust Fund and Highway Maintenance and Operating Fund: two-thirds of such current accruals to the Virginia Transportation Infrastructure Bank and one-third of such accruals to the Transportation Partnership Opportunity Fund. The bill also removes the definition of "grant" from the Virginia Transportation Infrastructure Bank and excludes grants from other financing, thereby removing the ability of a governmental entity to apply for a grant. The bill also allows the CTB to make transfers from the Toll Facilities Revolving Account to the Virginia Transportation Infrastructure Bank.

Further, the bill authorizes the Department of Rail and Public Transportation to enter into agreements not to exceed 20 years under the Public-Private Transportation Act to improve passenger rail service with private entities that finance improvements in return for annual payments.

**HB 1915 / SB 1314 Northern Virginia Transportation Authority; regional plan.**

Requires NVRTA's regional transportation plan to make reducing congestion its primary objective in Planning District 8 to the greatest extent practicable. Also, each locality embraced by the Authority shall annually report to the Authority any aspects of its comprehensive plan that are not consistent with the regional transportation plan.

**HB 2391 Highway funds; allocation by the Commonwealth Transportation Board.**

Provides that the five percent of moneys allocated annually by the Commonwealth Transportation Board currently dedicated to paving of unpaved highways carrying more than 50 vehicles per day will instead be allocated for paving or improving such highways. This bill has a delayed effective date of July 1, 2016.

**SB 792 Secondary state highway system; expands number of streets eligible to be taken into system.**

Expands the number of streets eligible to be taken into the secondary state highway system by changing the definition of "street" from including streets that were opened to public use and used by motor vehicles prior to July 1, 1992, to streets that have been open to public use and used by motor vehicles for at least 20 years.

**SB 847 Interstate 73 Transportation Compact; created.**

Creates the Interstate 73 Transportation Compact to develop and plan the Interstate 73 corridor, advocate for federal and other funding resources for the project, and facilitate plans and programs for the project between the signatory states. The bill establishes the Interstate 73 Transportation Compact Commission, which shall include a seven-member delegation from Virginia, meet at least twice annually, and annually report on its activities to the Governor and the legislature of each signatory state. Such compact shall not become effective until enacted by at least one other signatory state.

**SB 1451 Tolls; imposition and collection for use on Interstate Route 95 south of City of Fredericksburg.**

Requires General Assembly approval prior to tolling on Interstate 95 south of Fredericksburg, pursuant to the federal Interstate System Reconstruction or Rehabilitation Pilot Program. This bill codifies the 11th enactment clause of Chapter 766 of the Acts of Assembly of 2013.

## **Charters/Legislation of Limited Application**

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**HB 1284 Branchville, Town of; amending charter, elections, terms of office of council members.**

Moves the date of election of the mayor and members of the town council from June to November and extends their terms from two years to four years. Council members serving on council who were elected in May 2014 shall have their terms of office shortened by six months but shall continue in office until their successors have been elected at the November general election and have been qualified to serve. EMERGENCY

**HB 1470 Northern Virginia Transportation Authority; use of revenues, effective date.**

Includes transit projects in those transportation projects that will be rated by VDOT in accordance with § 33.2-257 before they are funded by the Authority. The bill has a delayed effective date of July 1, 2016.

**HB 1471 Affordable housing; City of Fairfax added to list of localities with authority to provide.**

Adds the City of Fairfax to the list of localities with authority to provide for an affordable dwelling unit program under § 15.2-2304.



**HB 1532 / SB 1276 Roanoke, City of; amending charter, appointment of director of finance, term of office.**

Shifts authority to appoint the director of finance from the city council to the city manager.

**HB 1510 Hampton Roads Transportation Accountability Commission; population estimates.**

Provides that the population criterion required for decisions of the Hampton Roads Transportation Accountability Commission shall be the estimates, not the projections, made by the Weldon Cooper Center for Public Service of the University of Virginia.

**HB 1625 Lovettsville, Town of; amending charter, updates boundaries, town powers, etc.**

Updates the town's boundaries. Other changes eliminate the requirement of monthly meetings and provide that no distinction shall be made between a member elected to the council and a member who has been appointed to the council except as to voting on those matters set forth in Article VII, Section 7 of the Constitution of Virginia. The bill also makes numerous technical amendments and corrects outdated provisions.

**HB 1656 James City County; amending charter, director of planning.**

Removes the requirements that the director of planning be appointed by and report to the manager of development management.

**HB 1663 Buchanan, Town of; amending charter, powers and elections.**

Shifts the town's municipal elections from May to November and reduces the number of council members from six to four.

**HB 1682 / SB 1214 Alexandria, City of; amending charter, changes certain powers of mayor, city council, etc.**

Deletes numerous outdated provisions and updates references to the Code of Virginia.

**HB 1758 Portsmouth, City of; appointment of board of zoning appeals.**

Allows the Portsmouth City Council to appoint the members of the board of zoning appeals rather than the circuit court.

**HB 1761 / SB 749 Portsmouth, City of; amending charter, election of mayor and city council members.**

Allows any member of the city council to be a candidate for the office of mayor without resigning his office. Currently, the charter requires such a council member to resign by a specific date and sets out a procedure for filling the member's vacant seat.

**HB 1784 Virginia Port Authority; capital projects.**

Restricts expenditures by the Virginia Port Authority on capital projects, except certain specified projects, to those located on real property that is owned, leased, or operated by the Virginia Port Authority.

**HB 1834 Luray, Town of; amending charter, changes date of municipal elections.**

Shifts the town's municipal elections from May to November.

**HB 1857 Weber City, Town of; amending charter, extends terms of council members, mayor, etc.**

Extends the terms of council members, the mayor, the treasurer, the clerk of the council, and the town sergeant from two to four years and deletes outdated language.

**HB 1885 / SB 1173 Virginia Retirement System; revocation of participation of political subdivision.**

Allows the Town of Damascus, on the basis that it has not made contributions to VRS for 25 consecutive years, to revoke in writing its agreement to contribute to VRS for creditable service rendered by employees subsequent to the

revocation. This is an exception to the general rule that election to participate in the Retirement System is irrevocable.

**HB 1893 Bristol, City of; amending charter, clarifying changes to the Bristol Virginia Utilities Authority.**

Clarifies the relinquishment of certain powers set out in the charter of the City of Bristol that were transferred to the BVU Authority in 2010. The bill also removes provisions related to the Youth Services Department and replaces references to the city comptroller with chief financial officer.

**HB 2025 / SB 695 Hampton, City of; amending charter, candidacy of councilmembers in mayoral election.**

Bars any City of Hampton mayoral candidate from simultaneously running for a place on the Hampton city council and establishes a procedure for the resignation of any serving councilmember who wishes to run for mayor. The bill establishes a deadline, effective date, and other parameters for the resignation of a serving councilmember and provides for the filling of the remaining term of office of a councilmember who has resigned to become a candidate in a mayoral election.

**HB 2035 Lynchburg, City of; establishment of airport police department at Lynchburg Regional Airport.**

Allows the City of Lynchburg by ordinance to establish an airport police department at the Lynchburg Regional Airport. The authority of the airport police department shall be limited to real property owned, leased, or controlled by the Airport. Such authority shall not supersede the authority, duties, or jurisdiction vested by law with the local police department or sheriff's office. The airport police department and airport police officers shall be subject to and comply with the United States Constitution, the Constitution of Virginia, the laws governing municipal police departments, and any regulations adopted by the Criminal Justice Services Board that the Department of Criminal Justice Services designates as applicable to private police departments. Any person employed as an airport police officer pursuant to this act shall meet all requirements, including the minimum compulsory training requirements, for law-enforcement officers pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1 of the Code of Virginia.

**HB 2051 / SB 1247 Charlottesville, City of; amends current sidewalk construction provision.**

Authorizes the City of Charlottesville, as part of its zoning ordinance, to offer developers certain options regarding the construction of sidewalks. The bill amends a 2013 act of assembly that granted this authority to Charlottesville only as part of its subdivision ordinance.

**HB 2128 Amherst, Town of; amending charter, creates the office of town manager and reassigns various duties.**

Creates the office of town manager and reassigns various duties. The bill also deletes outdated provisions.

**HB 2236 Chesapeake Hospital Authority; changes compensation for members.**

Changes the compensation for members of the Chesapeake Hospital Authority from a maximum of \$3,000 per year to \$250 per meeting attended and requires the Authority to adopt as part of its bylaws a definition of "compensable meeting" prior to compensating any member. The bill stipulates that no member shall be compensated for participation in a meeting by electronic means when the member is not physically present at the meeting.

**HB 2255 Lawrenceville, Town of; DOC to convey certain real property to be used for water facilities.**

Conveys a 0.94-acre parcel from the Department of Corrections to the Town of Lawrenceville in Brunswick County. The parcel contains a water booster station and storage tank maintained by the Town and formerly used to serve a prison that the Department operated adjacent to the parcel. The conveyance is required to be made without consideration or cost to the Commonwealth.

**HB 2292 Culpeper, Town of; amending charter, notice of special meetings and residence of Town Manager.**

Makes technical changes to notice provisions for special meetings of town council and requires the town manager to reside within Culpeper County during his tenure of office. EMERGENCY

**HB 2308 County manager plan of government; governing body (Arlington County) may appoint county auditor.**

Allows the governing body in a county with the county manager plan of government (Arlington County) to appoint a county auditor. The county auditor shall have the power to make performance reviews of operations of county agencies or county-funded programs to ascertain that sums appropriated are expended for the purposes for which such appropriations were made and to evaluate the effectiveness of those agencies and programs.

**SB 744 Portsmouth, City of; members, etc., of board of zoning appeals shall be appointed by governing body.**

Adds the City of Portsmouth to a provision requiring the governing body to appoint members and alternates to the board of zoning appeals. Under the general law, the circuit court appoints the members of a locality's board of zoning appeals.

**SB 755 Falls Church, City of; amending charter, city boundaries.**

Adds to the description of the city boundary a reference to land added by a court order.

**SB 759 Transient occupancy tax; Isle of Wight County authorized to impose a tax of up to two percent.**

Adds the County of Isle of Wight to the list of counties authorized to impose a transient occupancy tax of up to five percent, with any excess over two percent to be designated and spent solely for tourism purposes.

**SB 889 Affordable dwelling units; City of Fairfax authorized to adopt zoning ordinance to provide.**

Adds the City of Fairfax to the list of localities whose governing bodies are authorized to adopt zoning ordinances that provide for an affordable housing dwelling unit program.

**SB 940 Montross, Town of; amending charter, moves election date of town council.**

Moves the date of election for the members of the town council from May to November, beginning in 2016.

**SB 1014 Suffolk, City of; amending charter, appointment of members of board of equalization & school board.**

Amends the charter of the City of Suffolk to clarify the roles of the circuit court in appointing members of the board of equalization and of the qualified voters of the city in electing the members of the school board.

**SB 1176 Bristol, City of; amending charter, clarifying changes to the Bristol Virginia Utilities Authority.**

Clarifies the relinquishment of certain powers set out in the charter of the City of Bristol that were transferred to the BVU Authority in 2010. The bill also removes provisions related to the Youth Services Department and replaces references to the city comptroller with chief financial officer.

**SB 1229 Real estate with delinquent taxes; appointment of special commissioner in City of Fredericksburg.**

Adds Fredericksburg to the list of cities with heightened requirements for the appointment of a special commissioner to execute the necessary deed to convey property with delinquent taxes or liens to the locality in lieu of a sale at public auction.

**SB 1240 Transient occupancy tax; Bland & Russell Counties added to list of counties authorized to impose.**

Adds Bland County and Russell County to the list of counties authorized to impose a transient occupancy tax of up to five percent, with any excess over two percent to be designated solely for tourism purposes.

**SB 1245 Affordable housing in the City of Charlottesville; income level.**

Amends Chapter 693 of the Acts of Assembly of 2008, as amended by Chapter 527 of the Acts of Assembly of 2013, which authorized the City of Charlottesville to require developers to either provide Affordable Dwelling Units or make a contribution to the city's affordable housing fund in connection with certain projects. The bill raises the

maximum income level of a household deemed eligible for an Affordable Dwelling Unit from 60 percent to 80 percent of the area median income. The bill also authorizes the city to establish a minimum term for the units to remain affordable as it deems necessary to ensure the creation of Affordable Dwelling Units.

**SB 1287 Alcoholic beverage control; mixed beverage licenses for certain establishments.**

Provides that mixed beverage licenses may be granted to establishments located on property (i) within the boundary of any town incorporated in 1911 located adjacent to the intersection of Route 63 and Route 58 Alternate (Town of Saint Paul); (ii) located west of Route 58 and approximately 3,000 feet north of Interstate 81 (Washington County); (iii) fronting U.S. Route 11 and 1,300 feet north of Interstate 81 (Washington County); (iv) located within 1,500 feet of Exit 26 on Interstate 81 (Washington County); and (v) within the boundary of any town incorporated in 1894 consisting of 1.9 square miles that prior to the town's incorporation was known as Guest Station (Town of Coeburn). The bill also creates an art instruction studio license, which authorizes the licensee to serve wine or beer on the premises of the licensee to any bona fide customer of the licensee; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The bill defines art instruction studio and sets the state and local taxes for this new license.

**SB 1378 Virginia Public Procurement Act; cooperative procurement, certain councils of governments.**

Provides that a public body may purchase from the contract of the Metropolitan Washington Council of Governments. The bill also provides that a public body may participate in, sponsor, conduct, or administer a cooperative procurement agreement on behalf of or in conjunction with the MWCOG.